

PATENT  
Ser. No: 10/822,789  
Docket No: 10020/31701

**REMARKS**

In response to the Restriction Requirement dated February 4, 2005, Applicants hereby elect with traverse Group 2, containing claims 31-37.

Restriction is only proper if it can be shown that two or more inventions are in fact independent. MPEP 806.04. For process and product claims, the relevant criteria are set forth in MPEP 806.05(f), as indicated in the February 4, 2005 office action. The office action asserts distinctness under the first prong of MPEP 806.04, “that the product as claimed can be made by another and materially different process.” Specifically, the office action asserts that the device of Group I can be “formed not only by the claimed method but also by other semiconductor process/methods.” The Applicants respectfully assert that this is not true.

The claimed semiconductor process / methods are described in the independent claims of Group 2 (claims 30 and 37) as “depositing” the layers in question. The term “depositing” is defined in paragraph 25 of the specification as encompassing “any suitable method.” Examples are given, including thermal evaporation, ink-jet, organic vapor phase deposition, spin coating and other solution based processes. Applicants believe that the term “depositing” is broad enough to cover all possible semiconductor process / methods that could be used to form the structure of claim 1.

As a result, there are no “other semiconductor process / methods” that could be used in addition to those of claims 30 and 37, because those claim encompass all suitable methods. Thus, distinctness has not been shown under the first prong of MPEP 806.04, and the restriction requirement is improper.

In addition, because the method claims and the device claims are so similar, there is minimal additional burden associated with searching and examining all of the claims. The restriction requirement is also improper for this reason.

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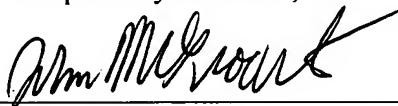
## CONCLUSION

For the reasons set forth above, the Applicants respectfully request reconsideration and withdrawal of the restriction requirement.

The Examiner is invited to contact the undersigned at (202) 220-4227 to discuss any matter concerning this application.

The Office is authorized to any fees due under 37 CFR §§ 1.16, 1.17 or 1.136 or credit any overpayments to Deposit Account 11-0600.

Respectfully submitted,



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